

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Frederick L. Bixler et al. Confirmation No. 5482
Serial No.: 10/752,074 Examiner: Hylton, Robin Annette
Filed: January 5, 2004 Art Unit: 3781
For: Tamper Indicating Closure With Foldable Tab

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION WITH CERTIFICATE UNDER 37 CFR §3.73(b)**

The owner, Berry Plastics Corporation, certifies that it is the assignee of the entire right title and interest in the patent application identified above, the assignment of which was recorded at Reel 017853 and Frame 0072 by the U.S. Patent and Trademark Office and hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,371,317 granted on April 16, 2002. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

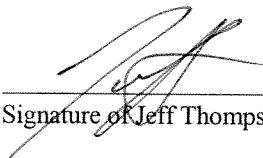
In making the above disclaimer, the assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned has reviewed all the documents in the chain of title of the patent application identified with heading above and to the best of undersigned knowledge and belief, title is in the assignee identified above and the undersigned is empowered to sign the terminal disclaimer and certificate.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

April 18, 2007
Date

Jeff Thompson, Esq.
Vice President
Berry Plastics Corporation



Signature of Jeff Thompson, Esq.